

REMARKS

The Office Action mailed July 10, 2006 has been carefully reviewed and considered. Claims 1-9 and 11-20 are previously pending and all pending claims stand rejected. Claims 1-2, 5 and 7 have been amended and the support for these amendments can be found in the specification and the claims of the application as filed. No new matter has been added. Claims 4 and 6 have been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 1-3, 5, 7-9 and 11-20 are currently pending in the application.

Applicants respectfully request entry of the foregoing Amendments and reconsideration of the present application in light of the amendments above and the remarks below.

Record of Interview

On September 13, 2006, an interview was conducted by telephone between Examiner Harold and Jim Wu, Reg. No. 45,241. Applicants thank the Examiner for granting this interview. Examiner Harold and Jim Wu substantively discussed the claimed invention, rejections, proposed reply and references. Examiner Harold agreed to further review the proposed reply in view of the references and the discussion of interview. No final agreement was reached at the interview.

Claim Rejections – 35 USC § 112

Claims 8, 9, and 11-20 are rejected under 35 U.S.C. 112, first paragraph, as allegedly being failure to comply with the written description requirement. More specifically, Office Action alleges that “the disclosure fails to provide details regarding the power source being either from the telephone line or some other external source.” Office Action particularly points out that

the description fails to support the claimed limitation of “the telephone line is the power source used as the electromotive force to operate the present invention.” (See page 2 of the Office Action.) Applicants respectfully disagree with this rejection for the reasons stated below.

FIG. 2 and its corresponding description in the specification provide sufficient support to reasonably convey to one skilled in the art to practice the present invention. For example, the specification describes that:

System 20 includes a crescendo ringer circuit 208 that operates directly from tip and ring lines 205 and 207 . . . Incoming ring signals directly drive an electronic telephone tone ringer 210 . . . For each successive ring count, ring counter 214 provides a corresponding control signal. In response to each corresponding control signal, ringing volume control unit 216 provides an associated output signal that is used to control the setting of an audible ring signal generator. . . (Emphasis added) (See pages 6-7 of the specification.)

FIG. 2 further describes a crescendo ringer circuit that is operable directly from line (Tip & Ring). (See FIG. 2.) In other words, the crescendo ringer circuit 208, which operates from a tip and ring line, is capable of providing a gradual increase in audible ringing volume in response to a sequence of incoming electrical ring signals. At least for this reason, the rejection under 35 U.S.C. § 112, first paragraph is overcome. As such, Claims 8-9 and 11-20 should be in condition for allowance.

The 35 U.S.C. § 103 Rejection

Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ellis¹, hereinafter referred to as Ellis, in view of Yun², hereinafter referred to as Yun. Without

¹ U.S. Patent No. 6,661,890.

² U.S. Patent No. 6,084,959.

admitting that Ellis and Yun are prior art and reserving the right to establish that they are not, this rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.³

In order to expedite the allowance of the present application, the Applicants have canceled Claims 4 and 6, and amended Claims 1-2 and 5 to further particularly point out and distinctly claim subject matter regarded as the invention. For example, amended Claim 1 of the present invention recites in part:

a volume control unit, coupled to said ring counter circuitry, configured to generate ringer control signals corresponding to the electric ring signals of the singular incoming telephone call, wherein the ringer control signals are capable of driving an audible ring signal generator without external power supply. (Emphasis added).

In contrast, neither Ellis nor Yun nor a combination of both discloses or teaches that the ringer control signals are capable of driving an audible ring signal generator without external power supply. Since Ellis together with Yun still fail to show all of the claim limitations or equivalents listed in Claim 1, Claim 1 should be patentable over Ellis in view of Yun under §103.

If independent claims are valid, the claims that depend from the independent claims should also be valid as matter of law. See Jenric/Pentron, Inc. v. Dillon Co., 205 F. 3d 1377,

³ M.P.E.P. § 2143.

1382 (Fed. Cir. 2000). Since Claims 2-3, 5 and 7 depend on allowable independent Claim 1, Claims 2-3, 5 and 7 should also be patentable over Ellis and Yun under § 103.

Office Action further rejected Claim 7 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ellis in view of Yun and Hoashi⁴, hereinafter referred to Hoashi. Without admitting that Ellis, Yun, and Hoashi are prior art and reserving the right to establish that they are not, this rejection is respectfully traversed. To move forward with the present application, Applicants amended Claim 7 to depend on Claim 1, which, as amended, is in condition for allowance. Since Claim 1 is allowable, Claim 7 should also be allowable for the same reason as Claim 1. Therefore, this rejection is traversed.

Conclusion

Based on all of the above, Applicants believe all claims now pending in the present application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

No additional fees are believed to be due at this time. However, please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

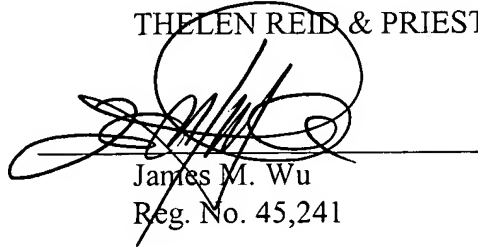
⁴ U.S. Patent No. 5,870,684

Applicants thank the Examiner for carefully examining the present application and if a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Jim Wu at (408) 282-1885.

Respectfully submitted,

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